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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,088	12/20/2001	Vincent Vaccarelli	LEAP:114_US_	9688

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EXAMINER

FINEMAN, LEE A

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,088

Applicant(s)

VACCARELLI ET AL.

Examiner

Lee Fineman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office Action is in response to an amendment filed 4 September 2003 in paper number 7 in which claims 1, 5, 7 and 8 were amended and claim 9 was added. Claims 1-9 are pending.

#### ***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 10 depending on claim 9<sup>has</sup> been renumbered as claim 9 depending on claim 8.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant has added the limitation "said auxiliary power outlet rated to provide a voltage identical to said power inlet" in independent claims 1 and 5. However in the

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specification, the applicant refers only to controlling voltage applied to the lamp (paragraph [0009], lines 4-5), converting the power signal to a direct current voltage powering the circuit board elements (paragraph [0009], lines 10-11) and that the auxiliary power outlet should conform to the same standard as power inlet (paragraph [0003], lines 9-10 and paragraph [0006], lines 6-7). The dependent claims inherit the deficiencies of the claims from which they depend.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over SO-1350 Brochure and SO-5000 Microscope Information, [www.scanoptics.com.au](http://www.scanoptics.com.au) [online] (henceforth Scan Optics).

Regarding claim 1, 2 and 4, Scan Optics discloses a microscope stand (figure, page 1 of SO-1350 brochure) of a type having an electrically powered element and a power inlet connected to said element (see power cord in figure), said power inlet rated to provide a voltage; an auxiliary power outlet connected to said power inlet and operatively arranged for receiving a power cord of an electrically powered auxiliary device associated with said microscope stand (see page 2 of brochure, under camera heading, power supply subhead, "power outlet jack provided on SO-5000 Ophthalmic Microscope") wherein said power inlet of said microscope stand and said auxiliary power outlet are formed according to a common standard chosen from a

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plurality of standards in use throughout the world (figure) and wherein said electrically powered element is an illumination source (see SO-5000 Microscope Information, the element is an illumination source, main coaxial light). Scan Optics discloses the claimed invention except for said auxiliary power outlet rated to provide a voltage identical to said power inlet. It is well known to one of ordinary skill in the art for an outlet to provide the appropriate voltage for the auxiliary device that will be used with it. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the auxiliary power outlet provide any specific appropriate voltage, including one identical to said power inlet, to power a specific auxiliary device.

Regarding claim 7, Scan Optics further discloses said power inlet and said power outlet operatively arranged on an outer surface of said microscope stand (figure). Scan Optics discloses the claimed invention except for the microscope stand being of a desktop type. Official notice is taken that desktop microscope stands are well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the stand of Scan Optics into a desktop type to make the microscope system more portable.

Regarding claims 5, 6 and 8, Scan Optics discloses the claimed invention except for explicitly stating that the power inlet, power cord and power outlet are adapted for accepting a standard International Electrotechnical Commission (IEC) Connector. Connector standards are well known to one of ordinary skill in the art to have been established to enable products to be used and sold safely in different areas of the world. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the power inlet, power cord

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and power outlet adapted to accept a standard IEC connector to be able to have the microscope used and sold safely in different areas of the world.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scan Optics in view of Austin, U.S. Patent No. 5,389,740.

Scan Optics discloses the claimed invention except for further comprising a cover installed to prevent access to said auxiliary power outlet, wherein said cover is adapted to be removable by a service technician but not by an end user. Austin teaches a cover (120, figs. 7 and 8) installed to prevent access to a power outlet (column 7, lines 11-46), wherein said cover is adapted to be removable by a service technician but not by an end user (if the service technician has the special tool, column 7, lines 38-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the cover of Austin to the auxiliary power outlet of Scan Optics to prevent electrical shock due to tampering and preclude unwanted connection or disconnection of critical electrical equipment (Austin, column 5, lines 19-25).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scan Optics, in view of Austin, as applied to claim 8 above, and further in view of Chang, U.S. Patent No. 5,855,064.

Scan Optics in view of Austin, as applied to claim 8 above, discloses the claimed invention except for explicitly stating wherein said power inlet comprises a male plug portion for accepting a first female outlet of said power cord and said auxiliary power outlet comprises a second female outlet for accepting a male plug portion of a power cord of an auxiliary device

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therein. Female outlets and male plugs are well known in the art as electrical connectors for power cords. For example, Chang teaches in fig. 4B, a power supply with both a female outlet and male plug (column 4, lines 29-37). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use well known female outlets and male plugs in any combination including wherein said power inlet comprises a male plug portion for accepting a first female outlet and said auxiliary power outlet comprises a second female outlet for accepting a male plug portion, to provide common electrical connectors for connecting power cords and supplying power to devices.

### *Response to Arguments*

8. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (703) 305-5414. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (703) 305-0024. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.



LAF

November 4, 2003

  
**MARK A. ROBINSON**  
**PRIMARY EXAMINER**